

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 731 POW-MIA Chair of Honor Memorial

**SPONSOR(S):** Hood, Jr.

**TIED BILLS:** **IDEN./SIM. BILLS:** SB 608

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Veteran & Military Affairs Subcommittee	11 Y, 0 N	Dugan	Kiner
2) Government Operations Appropriations Subcommittee		White	Topp
3) Economic Affairs Committee			

### SUMMARY ANALYSIS

The bill establishes the POW-MIA Chair of Honor Memorial to honor the sacrifices endured by members of the United States Armed Forces who were held as prisoners of war or remain missing in action.

The bill requires the Department of Management Services to designate an area of the Capitol Complex for the memorial and to consult with the Florida Department of Veterans' Affairs (DVA) and the Florida chapters of Rolling Thunder, Inc. regarding the design, construction, installation, and continuous management of the memorial.

The bill states that the memorial will not require the appropriation of state funds. The bill will have a minimal fiscal impact on the Department of Management Services regarding the continuous management of the memorial that can be absorbed with existing resources.

The bill is effective upon becoming law.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Current Situation**

###### Veterans in Florida

Florida has the third largest population of veterans in the nation with over 1.5 million, behind only California and Texas.<sup>1</sup> Florida has more than 113,000 veterans from World War II, the largest number in the nation.<sup>2</sup> In addition, approximately 75 percent of Florida's veteran population is wartime veterans, including more than 231,000 veterans of the Afghanistan and Iraq wars and 498,000 Vietnam-era veterans. There are approximately 188,500 military retirees who call Florida home.<sup>3</sup>

###### Military Recognition by Florida Legislature

The Florida Legislature recognizes the military service of Florida residents through the Florida Veterans' Hall of Fame and the Florida Medal of Honor Wall. The Florida Veterans' Hall of Fame recognizes and honors those military veterans who, through their works and lives during or after military service, made a significant contribution to the State of Florida.<sup>4</sup> The Florida Medal of Honor Wall recognizes and honors those who are accredited, or associated by birth, to the State of Florida, who through their conspicuous bravery and gallantry during wartime, and at considerable risk to their own lives, earned the Medal of Honor.<sup>5</sup>

There are no funds generated by the Veterans' Hall of Fame or Medal of Honor Wall for the benefit of veterans or their families.

###### POW-MIA

More than 83,000 Americans are missing from World War II, the Korean War, the Cold War, the Vietnam War and the 1991 Gulf War.<sup>6</sup> As of October, 2013, there are a total of 1,643 unaccounted for military servicemembers in southeast Asia since the end of the Vietnam War, with 57 indicating Florida as their home of record.<sup>7</sup> In addition, 32 military servicemembers from Florida have either been accounted for (including POW returnees and POW escapees) or their remains have been recovered and identified since the end of the war.<sup>8</sup>

In accordance with the Missing Service Personnel Act,<sup>9</sup> the current number of personnel missing from operations in Iraq and other current conflicts is seven: two service members from Operation Desert Storm; and one service member and three Department of Defense contractors from Operation Iraqi Freedom; and one service member from Operation Enduring Freedom.<sup>10</sup>

###### Rolling Thunder, Inc.

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<sup>1</sup> FDVA, Annual Report Fiscal Year 2012-13, Facts and Figures.

<sup>2</sup> Id.

<sup>3</sup> Id; FDVA, Fast Facts, available at: [http://floridavets.org/?page\\_id=50](http://floridavets.org/?page_id=50) (last viewed February 18, 2014).

<sup>4</sup> s. 265.003, F.S.

<sup>5</sup> s. 265.002, F.S.

<sup>6</sup> Department of Defense Prisoner of War, Missing Personnel Office (DPMO), available at: <http://www.dtic.mil/dpmo/> (last viewed February 18, 2014).

<sup>7</sup> Id.

<sup>8</sup> Id.

<sup>9</sup> 10 U.S. Code Sections 1501-1513, Missing Service Personnel Act (MSPA). The MSPA tasks the DPMO with responsibility for policy, control and oversight of the entire process of investigation and recovery of missing persons (including matters related to search, rescue, escape and evasion) and for coordination between the Department of Defense and other U.S. agencies on all matters concerning missing persons.

<sup>10</sup> DPMO website, available at: <http://www.dtic.mil/dpmo/> (last viewed February 18, 2014).

Incorporated in 1995, Rolling Thunder, Inc. is a class 501(c) (4) non-profit organization with over 94 chartered chapters throughout the United States and members abroad, including eight chapters in Florida.<sup>11</sup>

The major function of Rolling Thunder, Inc. is to publicize the POW-MIA issue: to educate the public that many American Prisoners of War were left behind after all previous wars and to help correct the past and to protect the future veterans from being left behind should they become Prisoners Of War-Missing In Action.<sup>12</sup>

### **Effect of Proposed Changes**

The bill creates s. 265.0031, F.S., to establish the POW-MIA Chair of Honor Memorial to honor the sacrifices endured by members of the Armed Forces of the United States who were held as prisoners of war or remain missing in action.

The bill requires the Department of Management Services to designate an area of the Capitol Complex for the memorial and to consult with the Department of Veterans' Affairs and the Florida chapters of Rolling Thunder, Inc. regarding the design, construction, installation, and continuous management of the memorial.

### **Effective Date**

The bill is effective upon becoming law.

#### **B. SECTION DIRECTORY:**

Section 1: Creates s. 265.0031, F.S., to establish the POW-MIA Chair of Honor Memorial.

Section 2: Provides an effective date.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

#### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

##### **1. Revenues:**

None.

##### **2. Expenditures:**

The bill states that the memorial will not require the appropriation of state funds.

#### **B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

##### **1. Revenues:**

None.

##### **2. Expenditures:**

The Department of Management Services anticipates incurring minimal costs associated with the maintenance of the monument area. These costs can be handles with existing resources.

#### **C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

None.

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<sup>11</sup> Rolling Thunder, Inc. website, available at: <http://www.rollingthunder1.com/index.html> (last viewed February 18, 2014).

<sup>12</sup> Id.

**D. FISCAL COMMENTS:**

The language in the current bill is unclear on how the memorial will be funded.

**III. COMMENTS**

**A. CONSTITUTIONAL ISSUES:**

**1. Applicability of Municipality/County Mandates Provision:**

Not Applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditures of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

**2. Other:**

Not Applicable.

**B. RULE-MAKING AUTHORITY:**

Not Applicable.

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**